THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 15555 of 2005

Dated: 13.09.2005

Between:

Syam Sunder Agarwaql S/o Badri Narayan Agarwal
R/o 15-9-466/26 Mahaboobnagar Gunj Hyderabad.

..... PETITIONER

AND

Government of A.P., rep by Principal Secretary for Home, Secretariat, Hyderabad and others.

… **RESPONDENTS**

ORDER:

The petitioner is the owner of Maruti Car bearing Registration No. AP 9F 1244 with Engine No.866743 vide Chasis No.579433. When he has parked the car inside the Ramdayal Ghansiram Building on 03.03.2004 about 3.00 P.M., the fourth

respondent seized it. Complaining the same, the petitioner filed Criminal Miscellaneous Petition No.58 of 2005 on the file of the Court of XVII Metropolitan Magistrate, Hyderabad, now called as IX Additional Chief Metropolitan Magistrate Court, Hyderabad, wherein a direction has been given to the fourth respondent to release the vehicle on execution of a bond for Rs.2,00,000/- by the petitioner. However, the fourth respondent has not implemented the said orders and on the other hand, the respondents are using the vehicle for their personal purpose. Hence this writ petition.

A detailed counter-affidavit has been filed by the fourth respondent stating that the fourth respondent never refused to release the vehicle at any point of time, and as a matter of fact, the respondents issued a notice to the petitioner on 21.07.2005 informing him to come to the police station and take the vehicle immediately.

At the outset, this Court cannot be an executing court for a Magistrate Court so as to implement the orders of the Magistrate. If the order of the Magistrate Court is not implemented, the remedy is otherwise. As the respondents are disputing the allegations in the affidavit filed in support of this writ petition, the disputed questions of fact cannot be determined and decided in this writ petition.

Therefore, the writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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13.09.2005

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